

**FITAPELLI & SCHAFFER, LLP**

28 Liberty Street, 30<sup>th</sup> Floor  
New York, New York 10005  
Telephone: (212) 300-0375

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**JONELLE HARRIS, individually and on behalf of all  
others similarly situated,**

**Plaintiff,**

**-against-**

**OLD NAVY, LLC,**

**Defendant.**

**No.: 21 Civ. 9946  
(GHW)(GWG)**

**PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY  
IN FURTHER OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

Plaintiff, by and through her undersigned counsel, hereby submits this Notice of Supplemental Authority in further opposition of Defendant's motion to dismiss (ECF No. 23). Attached as **Exhibit A** please find an order from The Eastern District of New York in *Levy v. Endeavor Air Inc.*, which held that a violation of the timely pay requirements of New York Labor Law § 191 by itself constitutes an injury that grants a Plaintiff Article III standing. Judge Vitaliano's decision also explicitly confirms the existence of a private right of action under New York Labor Law § 191. Plaintiff thanks the Court for its time and consideration.

Dated: New York, New York  
November 4, 2022

By: s/Brian S. Schaffer  
Brian S. Schaffer

Brian S. Schaffer  
Dana M. Cimera  
FITAPELLI & SCHAFFER LLP  
28 Liberty Street, 30<sup>th</sup> Floor  
New York, NY 10005  
Telephone: (212) 300-0375  
Facsimile: (212) 481-1333  
*Attorneys for Plaintiff and the  
Putative Class*